

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of Corporación México Escolástica, S.A. :
de C.V. for an Order, Pursuant to 28 U.S.C. § 1782 to : Case No.
Conduct Discovery for Use in Foreign Proceedings, :
:
Petitioner. :
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**EX PARTE APPLICATION OF CORPORACIÓN MÉXICO
ESCOLÁSTICA S.A. DE C.V. FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782
TO CONDUCT DISCOVERY FOR USE IN A FOREIGN PROCEEDING**

Corporación México Escolástica S.A. de C.V. (“Escolástica”) respectfully applies to this Court for an order permitting Escolástica to obtain certain discovery from Scholastic Corporation and Scholastic, Inc. (collectively, “Scholastic”) pursuant to 28 U.S.C. § 1782 in connection with a foreign proceeding in the District Court for Civil Matters of Mexico City (the “Mexican Proceeding”). In support of this application (the “Application”), Escolástica has submitted a Memorandum of Law and attached Declarations of Turner P. Smith (the “Smith Declaration”) and Carlos F. Sánchez (the “Sánchez Declaration”), and further states as follows:

1. 28 U.S.C. § 1782 provides for discovery in the United States to assist foreign tribunals and parties to proceedings before foreign tribunals. 28 U.S.C. §1782 states, in pertinent part:

The district court of the district in which the person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in the proceeding in a foreign or international tribunal. The order may be made . . . upon the application of any interested person and may direct that the testimony or statement be given or the document, or other thing be produced, before a person appointed by the court.

2. The requirements of 28 U.S.C. § 1782 are satisfied in this case. As explained further in the attached Memorandum of Law: (1) Scholastic “resides” and is “found”

in this District; (2) the discovery sought by Escolástica is “for use in” a proceeding before a foreign tribunal; and (3) Escolástica is an “interested person” in that proceeding. 17 U.S.C. § 1782. The discretionary factors a court may consider when evaluating a Section 1782 request also weigh in favor of granting this Application. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004); *Marubeni America Corp. v. LBA Y.K.*, 335 Fed. App’x 95, 97 (2d Cir. 2009).

For the foregoing reasons, and for the reasons set forth in the Smith Declaration, the Sánchez Declaration, and the Memorandum of Law in Support of this Application, Escolástica respectfully requests that this Court enter an order, pursuant to 28 U.S.C. § 1782, granting it leave to conduct the requested discovery in a form similar to the proposed subpoenas attached hereto as Exhibit 3 to the Smith Declaration.

WHEREFORE, Escolástica respectfully requests that this Court grant the Application.

Dated: New York, New York
September 19, 2016

Respectfully submitted,

CURTIS, MALLET-PREVOST,
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